

Third Thematic Workshop

**The impact of the Venice Principles on  
Ombudsperson Institutions in  
Europe and beyond.**

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## The Venice Principles and the Malta Parliamentary Ombudsman

- 1. Ombudsman Institutions have an important role to play in strengthening democracy, the rule of law, good administration and the protection and promotion of human rights and fundamental freedoms. While there is no standardised model across the Council of Europe Member States, the State shall support and protect the Ombudsman Institution and refrain from any action undermining its independence.**

In Malta, the original Ombudsman Act 1995 was adjusted for the better over the years. In 2007 the Ombudsman was accorded constitutional protection, which was further reinforced in 2020, following opinions by the Venice Commission. In 2010 the law was amended to introduce the appointment of Commissioners for specialist areas of investigation. In 2020 the Ombudsman Act was amended, consequential to opinions submitted by the Venice Commission. Independence is there to stay because whoever occupied the office of Ombudsman and/or Commissioner did so without fear or favour. In my case whenever strong action was required (2025 - Prisons Inquiry) that was done without reserve, however the *modus operandi* – at least as far as I am concerned - has been through a bridge building methodology.

- 2. The Ombudsman Institution, including its mandate, shall be based on a firm legal foundation, preferably at constitutional level, while its characteristics and functions may be further elaborated at the statutory level.**

In Malta, the appointment of the Ombudsman requires a minimum two-thirds majority vote of Parliament. Removal requires the same minimum number of votes of MPs. In the case of the four Ombudsmen since 1995, including myself, election was by a unanimous parliamentary vote. In the case of the Commissioners the procedure is different but does guarantee transparency.

- 3. The Ombudsman Institution shall be given an appropriately high rank, also reflected in the remuneration of the Ombudsman and in the retirement compensation.**

*Ex lege* the Ombudsman has always had a remuneration equivalent to that of a judge of the superior courts of Malta. However, although a judge does have a service pension, the Office of Ombudsman does not give the incumbent *ex officio* a pension similar to that of a judge. Giving such a pension is very unlikely in Malta as that would trigger the opening of a Pandora's box that would then be difficult to close. Furthermore, as far as order of precedence in official events are concerned, the status of a sitting judge is higher than that of the Ombudsman.

- 4. The choice of a single or plural Ombudsman model depends on the State organisation, its particularities and needs. The Ombudsman Institution may be organised at different levels and with different competencies.**

Malta has opted for a single Ombudsman together with the appointment of Commissioners for specialized areas of investigation, who are independent from the Ombudsman but operate within the structure of the Office itself for logistic purposes. So far there are three Commissioners: Planning and Environment; Education; and Health.

- 5. States shall adopt models that fully comply with these Principles, strengthen the institution and enhance the level of protection and promotion of human rights and fundamental freedoms in the country.**

As the law stands at present, Ombudsman does not have a specific mandate to investigate alleged breaches of human rights and fundamental freedoms. Conscious of the need for an update of its mandate and motivated by the fragmented handling of human rights issues by NGOs, the Office has prepared a new Ombudsman Bill with the assistance of ENNHRI that includes the promotion and protection of human rights and freedoms through the appointment of the Ombudsman as the NHRI for Malta. The Bill was presented by the Ombudsman to the Prime Minister of Malta on the 19 November 2024 for the consideration of the Cabinet of Ministers. So far there has not been any reaction from the Government.

- 6. The Ombudsman shall be elected or appointed according to procedures strengthening to the highest possible extent the authority, impartiality, independence and legitimacy of the Institution. The Ombudsman shall preferably be elected by Parliament by an appropriately qualified majority.**

In Malta the Ombudsman is appointed by a minimum vote of two-thirds of the members of the House of Representatives. His removal also requires such a vote from MPs. Although the Ombudsman is an officer of Parliament, he is independent in all matters that concern the implementation of his mandate. His funding does not come from Government but is approved by Parliament. Funding is a charge on the Consolidated Funds like the honoraria of the Judiciary, a budget procedure that ensures transparency and accountability.

- 7. The procedure for selection of candidates shall include a public call and be public, transparent, merit based, objective, and provided for by the law.**

The selection of candidates for Ombudsman is not by a public call but a matter that is handled directly by Government and Opposition. To date selection by public call has never been the case in Malta as the issue is very sensitive. After a period of turbulent debate after 2013 and following the opinion of the Venice Commission, the appointment of Judges and Magistrates is now in the hands of the President of Malta who makes the choice following a public call for candidates who are interviewed and short-listed by the Judicial Appointments Committee (another constitutional office). The Ombudsman is an *ex officio* member of the JAC.

- 8. The criteria for being appointed Ombudsman shall be sufficiently broad as to encourage a wide range of suitable candidates. The essential criteria are high moral character,**

***integrity and appropriate professional expertise and experience, including in the field of human rights and fundamental freedoms.***

To date the persons who were appointed Ombudsmen all had integrity and rectitude as their common denominator, naturally with an operational style characteristically different, but no less effective depending on the times. The promotion and protection of human rights and fundamental is the other frontier for the Office in Malta provided it receives the support it merits from international bodies and organizations.

***9. The Ombudsman shall not, during his or her term of office, engage in political, administrative or professional activities incompatible with his or her independence or impartiality. The Ombudsman and his or her staff shall be bound by self-regulatory codes of ethics.***

No Ombudsman ever acted in breach of this principle. The Office has a self-regulatory code of ethics that is scrupulously followed by all.

***10. The term of office of the Ombudsman shall be longer than the mandate of the appointing body. The term of office shall preferably be limited to a single term, with no option for re-election; at any rate, the Ombudsman's mandate shall be renewable only once. The single term shall preferably not be stipulated below seven years.***

In Malta the Ombudsman is appointed for a period of five years renewable for another one period of five years. The length of the period/s of tenure has never been questioned.

***11. The Ombudsman shall be removed from office only according to an exhaustive list of clear and reasonable conditions established by law. These shall relate solely to the essential criteria of "incapacity" or "inability to perform the functions of office", "misbehaviour" or "misconduct", which shall be narrowly interpreted. The parliamentary majority required for removal – by Parliament itself or by a court on request of Parliament- shall be equal to, and preferably higher than, the one required for election. The procedure for removal shall be public, transparent and provided for by law.***

In Malta removal of the Ombudsman from office was regulated by the Ombudsman Act 1995, an ordinary Act of Parliament. However, when the Office received constitutional protection and safeguards by the provisions of Art 64A of the Constitution of Malta in 2007 and in 2020, any doubts on arbitrary removal were most certainly dispelled for good.

**12. The mandate of the Ombudsman shall cover prevention and correction of maladministration, and the protection and promotion of human rights and fundamental freedoms.**

For the first part of this principle the answer is yes in terms of Art 22(1) of the Ombudsman Act 1995. As regards the second part, the answer has already been explained *supra*.

**13. The institutional competence of the Ombudsman shall cover public administration at all levels. The mandate of the Ombudsman shall cover all general interest and public services provided to the public, whether delivered by the State, by the municipalities, by State bodies or by private entities. The competence of the Ombudsman relating to the judiciary shall be confined to ensuring procedural efficiency and administrative functioning of that system.**

The Ombudsman Act 1995 makes wide provision for competence of the Office with regard to acts or omissions of the public service and the public administration as defined and determined in Art 2(2) and Art 12 of the Act. However not at all levels. Exclusions are contemplated by the law itself. What also remains outside the sphere of competence of the Ombudsman are services that have been privatized, where the Government does not have any controlling interest or ownership, even though such services are essential in nature. As far as the administration of justice is concerned, the Ombudsman intervenes only, strictly and exclusively in matters of administration for the benefit of the justice system itself.

**14. The Ombudsman shall not be given nor follow any instruction from any authorities.**

Art 13(8) of the Ombudsman Act 1995 is a clear and express provision in line with this principle.

**15. Any individual or legal person, including NGOs, shall have the right to free, unhindered and free of charge access to the Ombudsman, and to file a complaint.**

The Ombudsman Act 1995 is wide enough to grant the right to file a complaint to any person without any reserve whatsoever. For an investigation to commence, the complaint must submit in writing and the person concerned has to show an interest to submit the complaint.

**16. The Ombudsman shall have discretionary power, on his or her own initiative or as a result of a complaint, to investigate cases with due regard to available administrative remedies. The Ombudsman shall be entitled to request the co-operation of any individuals or organisations who may be able to assist in his or her investigations. The Ombudsman shall have a legally enforceable right to unrestricted access to all relevant documents, databases and materials, including those which might otherwise be legally privileged or confidential. This includes the right to unhindered access to buildings, institutions and persons, including those deprived of their liberty. The Ombudsman shall have the power to interview or demand written explanations of officials and authorities**

***and shall, furthermore, give particular attention and protection to whistle-blowers within the public sector.***

The Ombudsman Act 1995 makes ample provision to safeguard this principle. What is still missing is the protection of whistle-blowers in the public sector in the sense that while the Ombudsman has the power to investigate acts or omissions of the public sector and the public administration following the written complaint even from a whistle-blower, the Ombudsman cannot extend to the whistle-blower the protected disclosure procedure that is provided by the Whistleblower Protection Act (Chap 527 of the Laws of Malta). The Office has actively addressed this sensitive matter when in 2024 it submitted the new Ombudsman Bill to the Prime Minister of Malta.

***17. The Ombudsman shall have the power to address individual recommendations to any bodies or institutions within the competence of the Institution. The Ombudsman shall have the legally enforceable right to demand that officials and authorities respond within a reasonable time set by the Ombudsman.***

For the first part, the answer is YES. For the second part, the Ombudsman Act is NO:

However, experience has shown that public bodies do respond. Timeframes for response vary according to the nature of the complaints, together with facts and circumstances that require particular attention. Whenever the Office notes that bodies hesitate to respond quickly as required, then it makes it amply clear to them that in case of flagrant case of default in responding, the Office would proceed to conclude its investigations without them. The principle *audi alteram partem* cannot be abused and the Office does not tolerate abuse. Cases of this nature are the exception.

***18. In the framework of the monitoring of the implementation at the national level of ratified international instruments relating to human rights and fundamental freedoms and of the harmonization of national legislation with these instruments, the Ombudsman shall have the power to present, in public, recommendations to Parliament or the Executive, including to amend legislation or to adopt new legislation.***

Following investigations, the Ombudsman makes recommendations. These include changes to legislation in order to better administrative practices in the public sector. As far as human rights are concerned, the Office has been particularly active. *In primis* it has written draft legislation for the Ombudsman to become the NHRI for Malta and presented the draft bill to the Prime Minister of Malta. Apart from that, the Ombudsman has repeatedly insisted for Protocol 12 of the ECHR to become part and parcel of the European Convention Act (Chap 319 of the Laws of Malta) following ratification of that convention protocol by the Government of Malta. That would enable persons who allege breaches of that protocol by the public sector to take action before the Maltese Courts and not be constrained to take action in the Strasbourg Court without any domestic alternative as is the situation at present.

**19. Following an investigation, the Ombudsman shall preferably have the power to challenge the constitutionality of laws and regulations or general administrative acts. The Ombudsman shall preferably be entitled to intervene before relevant adjudicatory bodies and courts. The official filing of a request to the Ombudsman may have suspensive effect on time-limits to apply to the court, according to the law.**

The power to challenge as detailed in principle 19 does not figure in the state of the law as it stands to date due to the nature of the present mandate of the Ombudsman. Regarding suspension of time limits, the Office is in favour of such a measure. The Ombudsman has spoken publicly in favour, has said so in his reports, and has introduced the suspension of prescription in the new Ombudsman Bill.

**20. The Ombudsman shall report to Parliament on the activities of the Institution at least once a year. In this report, the Ombudsman may inform Parliament on lack of compliance by the public administration. The Ombudsman shall also report on specific issues, as the Ombudsman sees appropriate. The Ombudsman's reports shall be made public. They shall be duly taken into account by the authorities. This applies also to reports to be given by the Ombudsman appointed by the Executive.**

The Ombudsman must present to the House of Representatives an Annual Report that gives an account of his operations and those of the Commissioners. The Report is generally presented to the Speaker in mid-June of every year and covers the preceding year. Mr. Speaker then tables the report before the House. In the first six months of every year, the Office publishes Case Notes, containing summaries of complaints that were investigated in the preceding year. The Ombudsman can also publish reports in the public interest; worthy of mention is the very recent publication of the own initiative investigation regarding the Prisons Administration.

**21. Sufficient and independent budgetary resources shall be secured to the Ombudsman institution. The law shall provide that the budgetary allocation of funds to the Ombudsman institution must be adequate to the need to ensure full, independent and effective discharge of its responsibilities and functions. The Ombudsman shall be consulted and shall be asked to present a draft budget for the coming financial year. The adopted budget for the institution shall not be reduced during the financial year, unless the reduction generally applies to other State institutions. The independent financial audit of the Ombudsman's budget shall take into account only the legality of financial proceedings and not the choice of priorities in the execution of the mandate.**

The Ombudsman must present his annual budget by mid-September of every year to Mr Speaker. The budget is then considered at a hearing of the House Business Committee of the House of Representatives that is presided by Mr Speaker himself; five MPs sit on the Committee: three from the Government side and two from the Opposition side. At that hearing the Ombudsman answers any queries that are submitted. To date the budget proposals submitted by the Ombudsman have been approved by the House Business Committee followed and by the House in plenary. The Office's accounts are duly audited every year by the Auditor General's Office.

**22. The Ombudsman Institution shall have sufficient staff and appropriate structural flexibility. The Institution may include one or more deputies, appointed by the Ombudsman. The Ombudsman shall be able to recruit his or her staff.**

In Malta the Ombudsman can recruit staff without restrictions and has adequate finances to sustain recruitment. The Ombudsman Act does not provide for a Deputy Ombudsman or more. The present Ombudsman endorses the state of the law as it is at present, taking into account the circumstances of the country. So much is the case that in the new Ombudsman Bill, the Deputy Ombudsman does not figure at all. Although the Auditor General does have a Deputy, what could be suitable in the case of the Auditor General is not necessarily applicable *ipso facto* in the case of the Ombudsman.

**23. The Ombudsman, the deputies and the decision-making staff shall be immune from legal process in respect of activities and words, spoken or written, carried out in their official capacity for the Institution (functional immunity). Such functional immunity shall apply also after the Ombudsman, the deputies or the decision-making staff-member leave the Institution.**

The Ombudsman, staff and Commissioners enjoy wide functional immunity. The only exception is where they act in *mala fides*. Bad faith is an exception of universal application. As investigations are private and evidence is secretly *legis*, the Ombudsman, staff and Commissioners cannot be subpoenaed to give evidence regarding investigations. Trust is not only crucial but guaranteed by operation of the law itself.

**24. States shall refrain from taking any action aiming at or resulting in the suppression of the Ombudsman Institution or in any hurdles to its effective functioning, and shall effectively protect it from any such threats.**

The Ombudsman enjoys constitutional protection. It is therefore next to impossible to suppress the institution. Pressures of all sorts do arise. But then the institution is there to stand up to be counted and do its job well. Public opinion also has its fair share to put up if it really and truly wants the institution to remain firm and solid in its mission now and in future.

**25. These principles shall be read, interpreted and used in order to consolidate and strengthen the Institution of the Ombudsman. Taking into consideration the various types, systems and legal status of Ombudsman Institutions and their staff members, States are encouraged to undertake all necessary actions including constitutional and legislative adjustments so as to provide proper conditions that strengthen and develop the Ombudsman Institutions and their capacity, independence and impartiality in the spirit and in line with the Venice Principles and thus ensure their proper, timely and effective implementation.**



On its part, the Office of the Ombudsman strives in its efforts to oversee the implementation of this principle

## **The Venice Commission Opinions on Malta and the institution of the Ombudsman**

### **2018 - Debating Final Reports**

In Malta, recommendations made to the public sector, following investigations by the Ombudsman and the Commissioners, are not legally enforceable as they are not executive in nature. This reflects the position of other Ombuds institutions worldwide. In Malta, should the public sector persist in not implementing recommendations, then the Ombudsman has the discretion to refer the matter to the Prime Minister of Malta for his direction. Should the Prime Minister refrain for any reason from implementing, then the Ombudsman has further discretion to refer the matter to the House of Representatives for the consideration of MPs and for any action they may deem appropriate.

When final reports are tabled by the Speaker before the House, the Office publishes a summary on its website and more often than not are covered the media. However, in real terms the process stops there as there is no legal or formal parliamentary procedure that forces a debate of some sort of the non-implemented reports.

The Ombudsman has consistently and repeatedly called for these reports to be discussed in an appropriate select parliamentary committee and action taken following that consideration.

The current Speaker of the House of Representatives has publicly supported the position of the Ombudsman. In fact, he proposed the setting up of a Standing Committee on Public Administration, similar to the Public Accounts Committee of the House, to debate reports submitted by the Ombudsman and the Annual Action Reports compiled by the Office of the Principal Permanent Secretary. The Speaker noted that the House of Representatives, the Ombudsman, and the Principal Permanent Secretary share a common aspiration being that of promoting and ensuring good governance and high standards in the public administration with a spirit of co-operation and collaboration.

In its 2018 *“Opinion on Constitutional Arrangements, Separation of Powers, and the Independence of the Judiciary and Law Enforcement”* the Venice Commission recommended that Parliament should be obliged to debate reports submitted by the Ombudsman.

## **2020**

In its 2020 *“Opinion on Changes to Legislation”* the Venice Commission confirmed this recommendation and proposed that the Ombudsman should have the ability to trigger a parliamentary debate on significant reports.

This proposal brought about an amendment to the Ombudsman Act whereby in those cases where the Ombudsman, in the public interest, or in the interest of any person or department or organization, publishes report/s that relate to the exercise of his functions, whether or not said report/s was/were tabled before the House of Representatives, then in that case the report/s would have to be discussed as soon as possible during a dedicated parliamentary debate.

A case in point was the Prisons Report of the 1<sup>st</sup> February 2025 which was made public by the Ombudsman. Because of the findings of that report, the Opposition presented a motion of no-confidence in the House of Representatives against the Minister of the Interior. The motion to date has not been set on the agenda of the House.

### **2020 - Further constitutional protection**

In 2007 the Ombudsman was granted constitutional status by means of a new provision, Art 64A of the Constitution of Malta. That provision reinforced the Ombudsman Act.

Following its 2020 *“Opinion on Changes to Legislation”* Art 64A was strengthened in that an opinion submitted by the Venice Commission. The Office was regulated only by ordinary legislation, that is, Chapter 385 until the introduction of Sec 64A the mode of appointment and removal of the Ombudsman was taken out of the ambit of ordinary law and granted additional constitutional protection. Changes to ordinary laws require a simple parliamentary vote even though they could include qualified majority voting. This is not possible where changes to the Constitution require a qualified majority. This is what happened in 2020 following the intervention of the Venice Commission.

### **Judicial Appointments Committee**

Until 2016, members of the judiciary were appointed by the President of Malta, on the advice of the Prime Minister. In 2016 the procedure of appointment was changed, and a Judicial Appointments Committee (JAC) was constituted to examine the merits of candidates for judicial appointments. The Committee interviews and shortlists suitable candidates for a final choice to be made by the President of Malta. The composition of the JAC included the Ombudsman.

Subsequently the Venice Commission found that the composition of the JAC fell short of ensuring the independence of the Judiciary. In 2020 the composition was changed to include members of the judiciary and replace the Attorney General. The Ombudsman remained a member of the

Committee. The JAC has seven members and is presided by the Chief Justice. All seven members have voting rights. These changes were approved by the Venice Commission.

### **Reports on corruption**

Following the 2020 *“Opinion on Changes to Legislation”* of the Venice Commission, the Ombudsman Act was further amended whereby the Ombudsman was given discretion to refer to the Attorney General if during or after any investigation he is of the opinion there is evidence of any corrupt practice as defined in the Permanent Commission Against Corruption Act (Chapter 326 of the Laws of Malta).

## **The implementation of the Venice Principles in the Mediterranean: Present and Future**

The Association of the Ombudsmen of the Mediterranean (AOM) was constituted on the 19 December 2008 during a meeting of the network of Mediateur and Ombudsman Institutions of the Mediterranean that was held in Marseille. The Malta Ombudsman is the present Secretary General and Treasurer of the AOM.

The Association brings together over 30 Ombuds institutions that, either by mandate or indirectly, follow the Venice Principles and have committed themselves to the promotion and protection of human rights and fundamental freedoms in the countries of the Mediterranean basin. The institutions that form the Association not only come from Southern Europe and North Africa but extend to institutions of Black Sea States. The official languages of the AOM are English, Arabic, Spanish and French.

The Association encourages the sharing of experiences and initiatives of the member institutions, fostering common enrichment and for enhancement of cooperation. In a spirit of solidarity, members are committed to mutual support and engaged in dialogue that transcends the borders and differences in governance in the various countries around the Mediterranean.

The Association and its members work together closely in order to support international cooperation with other institutions dedicated to the principles of democracy and good governance, the rule of law, social peace and the promotion and protection of human rights.

The AOM acknowledges that the Mediterranean basin embraces a complex diversity of cultures and legal systems, and that Ombuds institutions have different mandates that require understanding and sensitive co-operation. Despite diversity, the institutions have a common benchmark, being the Venice Principles. Despite the present grave scenario of international affairs, the AOM has proved that it is there to be counted. The organization has taken decisive action wherever necessary and whenever a member institution has proven to have failed to uphold its mandate within the framework of the Venice Principles.

The AOM fosters co-operating and sharing of knowledges and experiences by means of activities that include : the holding of training sessions in Morocco for the benefit of investigators and staff at Ombuds institutions ; the organization of seminars and other meetings where information and experiences are shared ; the statutory holding of meetings of the structures of the organization, the last was held in Cyprus in September 2024 and the next will be held in Malta in October 2025. Whenever necessary other meetings are held online; and regular assistance to member Ombuds institutions whenever required.

## **The importance of the UN General Assembly Resolution of 2024 for the Parliamentary Ombudsman of Malta**

### **Introduction**

Unlike the majority of Member States of the Council of Europe and of the European Union, and despite the Annual Rule of Law Reports of the European Union, Malta does not have a National Human Rights Institution (NHRI).

The Malta Ombudsman has long lamented the absence of such an important institution. The Office has advocated with Government that it has all the credentials to become the NHRI for Malta should its present mandate be extended by legislation.

### **Timeline**

In the 13<sup>th</sup> Legislature of Parliament (2017-2022) Government had presented two Bills one of which related to the constitution of an NHRI. However, the two Bills lapsed when the House of Representatives was dissolved in 2022.

No bills have been presented for the appointment of an NHRI in the current 14<sup>th</sup> Legislature of Parliament.

In November 2023, the Ombudsman submitted a proposal to the Prime Minister where the benefits of using the existing institutional framework of the Ombudsman were outlined in lieu of having to create a separate institution. The existing infrastructure, experienced staff, and established procedures of the Office already provide a solid foundation for a broader human rights mandate. This reachable approach would enable the rapid implementation of NHRI functions while reinforcing public trust through Ombudsman's already proven and respected role.

The Prime Minister was quick to refer to the proposal for further discussion with the Parliamentary Secretary for Reforms and Equality. A meeting was held in February 2024, where the Ombudsman explained the rationale behind the proposal. Unfortunately, the meeting was inconclusive in the sense that the Parliamentary Secretary stated that the Government was still exploring the best way forward and had not adopted a definitive position.

In February 2024, following that meeting, the Office submitted a formal application for Associate Member Status of the European Network of National Human Rights Institutions (ENNHRI). In the application, the Office stated that, given the lack of progress on establishing a stand-alone NHRI following the dissolution of Parliament in 2022, it proposed integrating NHRI functions within the already functionally present Ombudsman structure. The ENNHRI board officially accepted the application, and the Office of the Ombudsman became an Associate Member of ENNHRI.

Following its acceptance as an Associate Member, the Office sought assistance from ENNHRI itself to review the Ombudsman Act 1995 to ensure full alignment with the Paris Principles. Between April and May 2024, ENNHRI conducted a detailed review, identifying key areas for improvement, including:

- Expanding the mandate to include promoting and protecting human rights.
- Strengthening the selection and appointment process to ensure transparency and pluralism.
- Enhancing the Office's independence and securing adequate resources.
- Engaging more actively with civil society.

In response to these findings, the Ombudsman drafted a new fully-fledged Ombudsman Bill rather than resort to piecemeal amendments to the present Act.

In October 2024, the draft Bill was forwarded to ENNHRI for further review. In that same month, during the ENNHRI General Assembly, the Ombudsman participated in a parallel meeting with ENNHRI representatives to discuss the proposed Bill and explore potential enhancements.

ENNHRI commended the efforts of the Office to align with the Paris Principles and its proposal for an extended mandate as NHRI. ENNHRI noted that significant amendments had been introduced to support this mandate, including:

- A broad human rights remit, covering the protection and promotion of human rights through awareness-raising, education, advising on national legislation, and reporting on the national human rights situation.
- A comprehensive definition of human rights, encompassing rights set out in international, regional, and domestic instruments, as well as those recognised by national and international courts.
- Strengthening the Ombudsman's authority to follow up on recommendations made to national authorities.

- Reinforcing the Ombudsman's independence by expressly stating that the Ombudsman shall not be subject to direction from any other person or authority.

ENNHRI provided additional technical advice, which the Ombudsman reviewed and adopted where appropriate.

These measures were included in the new Ombudsman Bill which was formally presented to the Prime Minister of Malta for his consideration and that of the Cabinet of Ministers on the 19 November 2024.

To date there has not been any response from Government.

### **Conclusion**

On 17 December 2024 the General Assembly of the United Nations approved a Resolution strongly advocating: *The role of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law.*

For the Office of the Ombudsman in Malta, the Resolution is evidence that the path undertaken with determination, where human rights and fundamental freedoms are concerned, is correct and in order.